

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRUCE BIRCH

Petitioner,

vs.

HOWARD SKOLNICK, *et al.*,

Respondents.

3:10-cv-00352-RCJ-RAM

ORDER

This action was opened by the Clerk of Court as an action for a writ of habeas corpus by a state prisoner, pursuant to 28 U.S.C. § 2254. Petitioner has submitted an application to proceed *in forma pauperis*. (Docket #1). However, no petition has been submitted. Unless an issue of federal constitutional or statutory law is implicated by the facts presented, there is no cognizable claim under federal habeas corpus. *Estelle v. McGuire*, 502 U.S. 62, 68 (1991). As there is no petition filed in this action, it will be dismissed, without prejudice to filing a petition as a new action.

IT IS THEREFORE ORDERED that this action is **DISMISSED**, without prejudice, for failure to present a habeas corpus petition.


IT IS FURTHER ORDERED that all pending motions, including the application to proceed *in forma pauperis* (Docket #1), are **DENIED**.

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IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment accordingly.


UNITED STATES DISTRICT JUDGE